

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

AMANDA REIDT, on behalf of herself and all other
similarly situated,

Plaintiff,

v.

OPINION and ORDER

ADVANCED MARKETING AND PROCESSING,
INC. D/B/A PROTECT MY CAR and DIGITAL
MEDIA SOLUTIONS, INC.,

23-cv-234-jdp

Defendant.

After defendant Digital Media Solutions, Inc. (DMS) filed a suggestion of bankruptcy, Dkt. 51, the court ordered plaintiff and defendant Advanced Marketing and Processing, Inc. to show cause why the court should not stay all proceedings in the interest of judicial economy. Dkt. 52. Defendant Advanced Marketing asks to stay all proceedings; plaintiff wants the case to proceed. Dkt. 53, Dkt. 54.

Plaintiff says that DMS's discovery responses show that third parties actually made the calls at issue. Dkt. 54. So plaintiff asks the court to sever the claims against DMS and let the case proceed against Advanced Marketing.

Generally, the automatic stay under 11 U.S.C. 362(a) does not extend to co-defendants who have not filed for bankruptcy. *Matter of Fernstrom Storage & Van Co.*, 938 F.2d 731, 736 (7th Cir. 1991). The Seventh Circuit recognizes two exceptions to that general rule. *See id.* But neither exception applies. Advanced Marketing does not contend that there is such identity between it and DMS that a judgment against Advance Marketing would be a judgment against DMS. Nor does anyone contend that DMS would be irreparably harmed if the case against

Advance Marketing proceeds. The court will grant plaintiff's request to sever DMS from this case.

ORDER

IT IS ORDERED that the claims against DMS will be SEVERED and STAYED. The case will proceed against defendant Advanced Marketing and Processing, Inc.

Entered October 7, 2024.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge